IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 17195 of 2004

Between:

Kolli Savitri, W/o Prabhudas,
R/o Kovvur, West Godavari District

..... PETITIONER

AND

1 The Superintendent of Police, Eluru, West Godavari District
2 The Circle Inspector of Police, Polavaram Village, West Godavari District
3 The Station House Officer, Koyyalagudem, West Godavari District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the respondents herein in providing protection to the petitioner is illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India and further direct the respondents to immediately inquire into the matter and provide protection to the person and property of the petitioner, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.R.CHAKRAVARTHI

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following ORDER:

The petitioner seeks a declaration that the alleged inaction on the part of the respondents in providing protection to the petitioner on the basis of her complaint dated 22-06-2004, as arbitrary and illegal.

A perusal of the said complaint shows that the petitioner is claiming title and possession of the land situated in R.S.No.1/2 of Rajavaram Village, Koyyalagudem Mandal, West Godavari District. She alleges that some persons by name Eluri Veera Venkata Satyanarayana Raju and Eluri Raghavaraju are trying to interfere with the said properties and therefore she lodged the complaint dated 22-06-2004 for necessary action.

On behalf of respondents, Sub Inspector of Police, Koyyalagudem Mandal, West Godavari District filed a counter-affidavit stating that no such representation has been made by the petitioner and therefore the alleged inaction is incorrect and baseless and the writ petition is misconceived.

Nothing has been placed before this Court to show that the complaint said to have been made by the petitioner on 22-06-2004 was received by the respondents. The learned Government pleader for Home appearing for the respondents contends that even on a perusal of the copy of the alleged complaint filed along with the writ petition, the dispute appears to be purely civil in nature and therefore the petitioner ought to have sought redressal by approaching the competent civil Court.

Having regard to the facts and circumstances of the case, without expressing any opinion on merits, the Writ Petition is disposed of granting leave and liberty to the petitioner to work out the appropriate remedy as available under Section 154 (3) of the Code of Criminal Procedure by sending the substance of the complaint in

writing to the concerned Superintendent of Police or to file a complaint under Section 190 of the Code of Criminal Procedure before the Magistrate having competent jurisdiction. No costs.

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17-11-2004

kdl

To

1 The Superintendent of Police, Eluru, West Godavari District
2 The Circle Inspector of Police, Polavaram Village, West Godavari District
3 The Station House Officer, Koyyalagudem, West Godavari District

4 Two C.Cs. to the Government Pleader for Home, High Court Buildings, A.P., Hyderabad (OUT).

5 Two C.D. Copies.